



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/312,740 | 05/14/1999 | DOUGLAS F. BEAVEN | 108473.114 | 2986 |

25247 7590 05/27/2004

GORDON E NELSON
PATENT ATTORNEY, PC
57 CENTRAL ST
PO BOX 782
ROWLEY, MA 01969

| |
|----------|
| EXAMINER |
|----------|

HECK, MICHAEL C

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3623

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/312,740

Applicant(s)

BEAVEN, DOUGLAS F.

Examiner

Michael Heck

Art Unit

3623

UW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 187-210 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 187-210 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Final Office Action is responsive to applicant's amendment filed 03 March 2004. Applicant's amendment of 03 March 2004 canceled claims 126-186 and added claims 187-210. Currently, claims 187-210 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 187-210 are rejected under 35 U.S.C. 102(b) as being anticipated by Heindel et al. (U.S. Patent 5,655,118). Heindel et al. disclose processing management information comprising:

- [Claim 187] a processor which has access to a representation of a model of the business, the model including representations of model entities, the representations of model entities belonging to a hierarchy and/or another hierarchy, and the representations of model entities providing access to information relating to the business (col. 1, lines 14-29, col. 4, lines 14-24, and col. 5, lines 9-57, Heindel et al. teach that conventional project management systems represent activity information relating to lower order activities on an enterprise that is managed in a logically hierarchical fashion. To successfully align all activities of an enterprise, including higher-order activities (like strategies, and products) and lower-order activities (like projects, subprojects, tasks, and employees), an enterprise management system must manage abstract representations (activity information or data) of all the tasks being performed by individuals within the enterprise. Such a system must also contain abstract representations (relationship information or keys) of how all activities relate to each other and to various strategies, products, projects, subprojects, and tasks of the enterprise, and to the people that are responsible for performing them. The enterprise management system of Heindel et al. consists of a personal computer that includes a keyboard/mouse, processor, display, and memory with a central relational database and related process to facilitate communication of information among employees (including strategic planners, product managers, project managers, and lower-level employees). The related processes include the user interface, relationship

Art Unit: 3623

manager, report generator, and other processing engines. The database acts as a repository for activity information, including activity information data elements for strategic plans, products, projects, subprojects, tasks, and employees. Not only does the database store these data elements, but it also stores information on the relationship between data elements. The database supports the many bi-directional relationships between data elements on strategic plans, products, projects, subprojects, tasks, and employees.) and

- an interface to the system for the persons, the interface being provided by the processor and the interface permitting a person to perceive and modify the model entities and the hierarchies and to perceive and modify the information to which the model entities provide access (col. 5, lines 37-65, Heindel et al. teach the memory includes the database, user interface, relationship manager, and report generator. The user interface enables users (e.g., employees and system managers) to view, access, retrieve, and manipulate activity information stored in the database using the relationship manager, report generator, and the other processing engines.).
- **[Claim 188]** the system further permits a person to sort model entities according to the entities' hierarchy membership (col. 1, lines 14-29, col. 4, lines 14-24, and col. 5, line 66 to col. 6, line 7, Heindel et al. teach that conventional project management systems represent activity information relating to lower order activities on an enterprise that is managed in a logically hierarchical fashion. To successfully align all activities of an enterprise, including higher-order activities (like strategies, and products) and lower-order activities (like projects, subprojects, tasks, and employees), an enterprise management system must manage abstract representations (activity information or data) of all the tasks being performed by individuals within the enterprise. Such a system must also contain abstract representations (relationship information or keys) of how all activities relate to each other and to various strategies, products, projects, subprojects, and tasks of the enterprise, and to the people that are responsible for performing them. The processor, using the relationship manager, manages the relationships between the information on activities stored in the database. This includes permitting users to retrieve, add, modify, and delete activity information data elements on activities and relationships between activities of an enterprise represented in the database. Using the report generator, the processor enables users to generate reports from activity information stored in the database. The reports may be custom made by the users, or a set of predefined reports may be included with the report generator. The examiner interprets that since Heindel et al. is adding additional capabilities to conventional project management system, that the hierarchical relationship is not lost and allows a person to sort model entities.).
- **[Claim 189]** a representation of a model entity includes representations of the information (col. 5, lines 46-57, Heindel et al. teach the database is a relational database that acts as a repository for activity information including activity

Art Unit: 3623

information data elements for strategic plans, products, projects, subprojects, tasks, and employee).

- **[Claim 190]** the interface further permits a person to sort the model entities according to values of the included representations of the information (col. 7, lines 59-63 and col. 5, line 58-65, Heindel et al. teach each of the activity data elements of the activity information may include additional data. The strategic plan data elements may also include financial data that may be used to compare financial data between different strategic plan data elements. The user interface is preferably build with ACCESS™ and enables users (e.g., employees and system mangers) to view, access, retrieve, and manipulate activity information stored in the database using the relationship manager. The examiner interprets manipulation to include sorting.).
- **[Claim 191]** there is a plurality of types of model entities (col. 6, lines 31-65, Heindel et al teach it is important to note that the activity information data elements do not rely on hierarchical constructs where strategic plan (SP) elements relate to one or more product (PR) elements that relate to one or more project (P) elements that relate to one or more subproject (S) elements that relate to one or more task (T) elements that relate tone or more employee (E) elements. Activity information data elements are stored in the database using a non-hierarchical, entity relationship model.);
- a representation of a model entity specifies the represented model entity's type (col. 6, lines 31-65, Heindel et al teach activity information data elements are stored in the database using a non-hierarchical, entity relationship model.); and
- the interface permits the person to perceive the type of a model entity (col. 5, line 58-65, Heindel et al. teach the user interface is preferably build with ACCESS™ and enables users (e.g., employees and system mangers) to view, access, retrieve, and manipulate activity information stored in the database using the relationship manager).
- **[Claim 192]** the model further includes representations of further information that are related to certain of the representations of the model entities (col. 7, lines 59 to col. 8, line5, Heindel et al. teach each of the activity data elements of the activity information may include additional data. The strategic plan data elements may also include financial data that may be used to compare financial data between different strategic plan data elements. Further, there may be multiple relationships between data elements. One such example would be an additional “reports to” relationship between different employee data elements. These “reports to” relationships would permit users to retrieve information on an enterprise’s organizational structure. Another example of an additional key would be the addition of a “critical path” relationship between tasks data elements and project data elements, which would permit users to order tasks within a project.);

Art Unit: 3623

- the interface permits the person to perceive how the further information is related to the model entities and to access the related further information (col. 5, line 58-65, Heindel et al. teach the user interface is preferably build with ACCESS™ and enables users (e.g., employees and system mangers) to view, access, retrieve, and manipulate activity information stored in the database using the relationship manager).
- [**Claim 193**] the interface further permits the person to modify the further information (col. 5, line 58 to col. 6, line 7, Heindel et al. teach the user interface is preferably build with ACCESS™ and enables users (e.g., employees and system mangers) to view, access, retrieve, and manipulate activity information stored in the database using the relationship manager. The processor, using the relationship manager, manages the relationships between the information on activities stored in the database. This includes permitting users to retrieve, add, modify, and delete activity information data elements on activities and relationships between activities of an enterprise represented in the database.).

Claims 197-210 substantially recites the same limitations as that of claims 187-193 with the distinction of the recited system being data storage devices and a method. Hence the same rejection for claims 187-193 as applied above applies to claims 197-210.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 195-196** are rejected under 35 U.S.C. 103(a) as being unpatentable over Heindel et al. (U.S. Patent 5,655,118) in view of Diamant et al. (U.S. Patent 5,530,861). Heindel et al. disclose processing management information but fail to teach the further information is a message sent to the person by another person and the further information is a discussion

Art Unit: 3623

concerning the model entity among the persons. Diamant et al. teach a task manager system that provides for a message interface wherein the functions may be remotely invoked, and that provides for communication of tasks among individuals performing tasks without losing semantic information (col. 2, line 48 to col.3. line 22). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include the messaging and communications capabilities of Diamant et al. with the teachings of Heindel et al. because Heindel et al. teach that it is old and well known in the enterprise management art to communicate the strategic plan across the organization (col. 1, lines 15-56). Communication is key to ensuring everyone in the organization knows their role and job requirements to meet the strategic objectives of the company. Being able to communicate effectively and quickly allows companies to ensure rapid response by the employees to the direction given by the management of the company. Using electronic mail messaging capability instantaneously communicate the same message to all concern, therefore, allowing employees to rapidly respond to management's direction.

6. **Claim 194** is rejected under 35 U.S.C. 103(a) as being unpatentable over Heindel et al. (U.S. Patent 5,655,118) in view of claim 1. Heindel et al. disclose processing management information but fail to teach the further information is a document that is accessible to the system. The examiner takes official notice that hyper-links are used to link documents to subject areas. E-mails, for example, can contain hyper-links to other documents so as to shorten the actual e-mail communication, but convey and direct the recipient of the email to the appropriate documents for their review. Therefore, the user would identify the document and create the

Art Unit: 3623

hyperlink to allow the user to "click on" the hyper-link and be automatically linked to the said document. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include hyper-links with the teachings of Heindel et al. because Heindel et al. teach a system for maintaining various information representative of activities of an enterprise. A user-friendly system allows users to move quickly to needed information. Using the Internet and identifying hyper-links allows users to access specific documents of concern in a quick manner, therefore, making the system user friendly.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 3623

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Heck whose telephone number is (703) 305-8215. The examiner can normally be reached Monday thru Friday between the hours of 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

**Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450**

Or faxed to:

(703) 872-9306 [Official communications; including After Final communications labeled "**Box AF**"]

(703) 746-9419 [Informal/Draft communication, labeled "**PROPOSED**" or "**DRAFT**"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, Virginia, and the 7th floor receptionist.

mch
19 May 2004


**TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600**